Comparing Oregon and Washington Forest Practice Regulations for Landslides

Oregon Division 623 Shallow, Rapidly Moving Landslides and Public Safety OAR 629-623-0000 – OAR 629-623-0700)	Washington Chapter 43.21 RCW and Chapter 197-11 WAC SEPA Rules
Purpose - to reduce risk of **serious bodily injury or death** caused by shallow, rapidly moving landslides	Purpose – address the potential for forest management related landslides that could deliver sediment or debris to **public resources or threaten public safety**.
Approach 1. Define "public risk exposure" categories A-C (where people are present during the rainy season; where paved roads w/ 500 vehicles/day; where barns, buildings, etc. are, but no people during rainy season). 2. State Forester (SF) rates site based on impact to exposed population: "unlikely, moderate, serious, extreme" 3. Based on "exposure risk" and "rating" SF defines three public safety "risk levels" – "substantial, intermediate, low"	Approach: Uses "Outcome based decision process" Review application to determine the class of the application – **classes are based on the potential for proposed activity to adversely affect public resources:** Class I – have no direct potential for damaging a public resource to Class IV – have the greatest potential Note: Process not applied where Watershed Analysis has been conducted and approved management prescriptions are in place. WAC 222-22 – *purpose of this rule is to address cumulative effects of forest practices on the* ***public resources of fish, water and capital improvements, maintain and protect cultural resources, and to protect and restore these resource.***
Outcome 629-623-0400-Restriction of Timber Harvesting – Substantial Down Slope Public Safety Risk – "Operators shall not remove trees from high landslide hazard locations with substantial downslope public safety risk unless a geotechnical report demonstrates to the SF that any landslides that might occur will not be directly related to forest practices because of very deep soil or other site specific conditions" might occur. Must also leave trees to protect against blow down.	Approach cont. Review of applications - screened for potential unstable slopes – Field visit done if potential unstable slopes identified. If slopes confirmed, application is categorized as Class IV and subject to SEPA review.
629-623-0450-Restriction of Road Construction-Substantial Down Slope Public Safety Risk "Operators shall not construct new roads on high landslide hazard locations or other very steep slopes with substantial downslope public safety risk". Can do so if geotech report and provisions allow for the construction.	WAC 222-16-050(1)(d) – Class IV Special forest practices related to unstable slopes that have the potential to deliver sediment or debris to a **public resource or that have the potential to threaten public safety and which has been field verified** Board of Forestry established SEPA policies

629-623-0500 – Timber Harvesting-Intermediate Down Slope Public Safety Risk – Purpose of this rule is to manage canopy closure on high landslide hazard locations with intermediate downslope public safety. 629-623-0550 – Road Construction- Intermediate Down Slope Public Safety Risk: "When constructing roads on high landslide hazard locations or other very steep slopes with intermediate downslope public safety risk, operators shall follow site-specific practices as directed by a geotechnical specialist **Additional Forestry Management Measures Offered in the State's comment Letter** OAR 629-640-0210 – Leave green trees and snags along Small Type n Streams subject to Rapidly Moving Landslides. Purpose to provide a source of large wood that can be moved by rapidly moving landslides into Type F streams. OAR 629-640-0150 – requires the placement of large wood in type F streams to deliver wood that is stable but can be used thru natural process to help reconfigure the stream and provide fish habitat Oregon Plan voluntary measure to leave trees on landslide prone slopes to contribute large wood Rules to restrict the use of skidders on high slope high erosion soils	specific to forest practices (WAC 22-10-030). **The policies require, in part, specific mitigation measures or conditions designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource** Approach cont. Applicant must conduct and submit geotechnical assessment. DNR staff conduct field visit After review and consultation with agencies and tribes, DNR issues a "threshold determination": FP forester must consider: 1. If proposal will increase probability of mass movement 2. Whether **sediment and debris would be delivered to a public resource or in a manner to threaten public safety and** 3. Whether such movement and delivery are likely to cause significant adverse impacts Outcome If DNR determines the proposed activities are likely to have a probable significant adverse impact, a "determination of significance" is issued. Applicant must now prepare EIS in accordance with SEPA requirements If DNR determines the adverse impacts in the EIS are significant and reasonable measures are insufficient to mitigate the impacts, the FPA is denied. If DNR determines the proposed activities are not likely to have a probable adverse impact, a "determination of non-significance" is issued In many cased the DNR approval contains additional conditions to mitigate impacts to public resources. Mitigation measures could include:

Recommended Management Measures 1. Adopt similar harvest and road construction restrictions for all high-risk landslide prone areas with the potential to impact water quality and designated uses 2. Develop more robust voluntary programs to encourage and incentivize the use of forestry best management practices to protect high-risk landslide areas that have the potential to impact water quality and designated uses 3. Develop a peer-reviewed process for identifying high-risk areas and unstable slopes based on field review by trained staff. 4. Establish an ongoing monitoring program that adequately assesses cause and effects of recent landslides and has specific recommendations for future management. In particular, look for ways to reduce the occurrence of channelized landslides 5. Integrate processes to identify high-risk landslide prone areas and specific best management practices to protect these areas into the TMDL process.	Avoiding unstable slopes Altering harvesting techniques and road construction such as; Full suspension logging Special design for roads No fill or side cast materials Use rock as fill for construction